IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 54 of 2004

Vishambhar Singh Rajput,
S/o Late Sri L.P. Rajput,
Working as Junior Engineer, Regulated Area,
Bazpur, District Udham Singh Nagar … Appellant

Versus

State of Uttaranchal through Secretary,
Awas,
Dehradun & others. …. Respondents.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. L.P. Naithani, learned senior counsel assisted by Mr. S.S. Yadav, learned counsel on behalf of the appellant and Mr. K.P. Upadhyaya, learned Brief Holder for the State.

2. This is an appeal against the order passed by the learned Single Judge dated 17.09.2004, whereby the learned Single Judge has dismissed the writ petition. In that writ petition, the petitioner (appellant herein) has challenged his relieving order. By that relieving order, he was relieved from the State of Uttaranchal and was made over to the State of U.P.

3. Earlier, the petitioner (appellant herein), while serving in the State of Uttaranchal, was transferred to Chamoli from Udham Singh Nagar and he had challenged that order by way of a writ petition, in which there were status quo orders with a result that the petitioner (appellant herein) kept serving only at Udham Singh Nagar. After this, however, an order came to be passed relieving him from the State of Uttaranchal and making him over to the State of U.P. in terms of the Central Government order. Now, the petitioner (appellant herein)

wants to get this order stayed, perhaps, with an idea not to leave Uttaranchal till such time as is convenient to him.

4. The learned Single Judge has taken a correct view, in our opinion, in not allowing the petitioner (appellant herein) to blow hot and could in the same breath. The learned Single Judge has explained that an employee has no right to work at his pleasure at the place of his choice and till the time he likes to stay there. That is precisely what is happening there.

5. If the petitioner (appellant herein) in made over to the State of U.P., it is better that he goes to the State of U.P. as early as possible. However, the learned Single Judge has also given a facility to the petitioner (appellant herein) to make a representation regarding his grievance. If such a representation is made, it shall be decided as soon as possible and not beyond a period of one month from the making of such a representation.

6. Only with this modification, the appeal is dismissed.

(Irshad Hussain, J.)
29.09.2004

(V.S. Sirpurkar, C.J.)
29.09.2004

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